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SALT LAKE CITY, UT 84111			2617	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/781,110

Applicant(s)

POTREBIC, PETER J.

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,9-23,25,26 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-23,25,26 and 28-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/30/05 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 9-23, 25, 26, 28-30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wood et al (2003/0044165)** in view of **Yeo (6,711,741)**, and further in view of **Knee et al (6,014,184)**.

As to claims 1 and 3-5, note the **Wood et al** reference figures 1 and 2, disclose video data recorder having integrated channel guides allowing a user to control recording and storage of television signals into personal channels for later playback and viewing and further disclose in an entertainment system that includes a video recording apparatus (Video Storage "VS" 105), a method for automatically recording a fragmented

program that includes a series of fragments that are temporally separated from each other and that have been designated as being related one to another, the method comprising the acts of :

providing a list (Processor 'Pro' 101, provides a listing or guide of shows to a display, figs 7-10) of categories that includes a Show, Series or Mini-Series (Shows) "one or more fragmented programs" for a user (page 3, [0045-0049]);

Pro-101, upon receiving a user selection of a show(s) (via User Interface 'UI' 108), identifying with the program guide data each of Shows that corresponds to the selected program listing and that is scheduled to be displayed during a specific period of time, where the guide data used to identify the Show(s) includes a unique identifier associated with the Show(s) that is distinguished from the program title (page 2, [0038-0045] and [0054-0055), note that the selected Show(s), such as Scooby Doo, etc., the EPG data identifies the Show(s) for recording, the Show inherently includes a unique identifier that is distinguished from a program title, which identifies the Show(s) and enables a specific Show(s) to be search and retrieved from the Databases 103 and 104, at the appropriate time for recording accordingly, furthermore each title creates a unique code or unique identifier which is used within the database to perform a search;

the claimed "receiving a user input requesting one or more fragments to be recorded..." is met by Processor (Pro) 101 (figs. 1, 2, page 1, [0025-0026] and [0038-0040]), which is coupled to Channel Guide, Criteria, Video, etc., Databases and receives via User Interface (UI) 108, a "user input" requests for a Show, Series or Mini-Series (Shows) "series of fragments" and a criteria ([0040-0045] and [0061]) for

recording the Shows without requiring the user to separately identify each of the Shows in the series ([0029], [0043-0044] and [0050-0051]); and in response to the user input, Pro 101 examines electronic program guide (EPG) data ([0027-0028]) and identifies the Shows in the series ([0038-0039]); and for each Shows, automatically determines a start time for the Show and records the Show onto VS 105, when the Show is aired (page 2, [0027]; page 3, page 4, [0060-0062] and page 5, [0068-0072]), note that Pro 101 monitors EPG Database for ongoing and future Shows to determine the Show to be recorded, using the user's specified criteria stored in Criteria Database 104 and records either a single Show, series or mini-series, using the specified criteria for recording Shows.

Woods displays a pop-up alphabetical menu of all Show titles, actor/actress, director, etc., in the channel guide database 103 (page 3, [0046-0049]) and further teaches storing personal channels for recording of comedy, sporting events, movies, cooking shows, etc., (page 4, [0060-0061]), but fails to explicitly teach displaying a list of selected Show category or categories that is scheduled to be displayed during a specific period of time where the EPG data used to identify the one or more fragmented programs includes a unique identifier that is specific to a fragmented program and is common to each fragment within a corresponding fragmented program and such that each fragment corresponding to the fragmented program have a same unique identifier and that is distinguished from a program title.

However, note **Yeo** reference figures 4 and 6, discloses displaying a menu or list (figs.6A-B) of temporal snapshots or fragment programs corresponding to a segment of

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source video frames that is scheduled to be displayed during a specific period of time and where the menu data used to identify the one or more fragmented programs includes a unique identifier that is specific to a fragmented program and is common to each fragment within a corresponding fragmented program and such that each fragment corresponding to the fragmented program have a same unique identifier and that is distinguished from a program title (col.4, line 43-col.5, line 8 and line 56-col.6, line 1+), note that the unique identifiers enables a user to select a fragment, snapshot or scene corresponding to video frames describing the collision between the Titanic (movie) and an iceberg.

Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Yeo into the system of Wood to provide unique identifier for each fragmented program or snapshot to enable the user to retrieve various portions of the program as desired.

Wood as modified by Yeo, fail to explicitly teach displaying a list of selected Show category or categories

However, note **Knee** reference figures 7-8 and 18-20, discloses electronic television program guide (EPG) which enables a user to selected favorite channels and further displays selected programs in all listings (fig.18), listings by category, etc., (fig 19 and col. 19, lines 6-28).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Knee into the system of Wood as

modified by Yeo to list programs by Categories and enable the user to easily identify groups or categories of Show(s) of interest.

As to claim 2, Wood further discloses determining an end time for the Show and deactuating the VS 105 when the Show is completed (page 2, [0027] and [0038-0040]).

As to claims 3-6, Wood further discloses where the Show is a mini-series, sporting event and a group of television programs of a television network that are designated as being related (page 4, [0060-0062 and page 5, [0068-0072] and where the UI 108 receives through the use of categories pop-up menu, such as sports, news, comedy, etc., (page 3, [0046-0050]).

As to claims 9-10, Wood further discloses where the Processor, updates the EPG periodically for each of the Shows as to the start time for the Show through the use of current EPG data including identifying when a scheduling change occurs for any of the Shows (page 2, [0027-0028], [0038-0040], page 3, [0051-0053 and page 5, [0068-0072]).

As to claim 11, Wood further discloses determining whether the Show is reoccurring; and if the Show is reoccurring, automatically setting a reminder to record a subsequent occurrence of the Show (page 3, [0044-45]; page 4, [0057-0058]).

As to claim 12, Wood further discloses "receiving a user input specifying that the episodes of the television program are to be recorded..." met by Processor (Pro) 101 (figs. 1, 2, page 1, [0025-0026] and [0038-0039]), which is coupled to Channel Guide, Criteria, Video, etc., Databases and receives via User Interface (UI) 108, a "user input" specifying that a Show, Series or Mini-Series (Shows) "episodes of the television

program” and the criteria ([0040-0045] and [0061]) for recording the Shows without requiring the user to separately identify each of the Shows in the series ([0029], [0043-0044] and [0050-0051]); and in response to the user input, iteratively during the period of time, Pro 101, performs the following acts, such that a plurality of Shows of the television program are recorded without recording a particular Shows more than once: Pro 100 uses electronic program guide (EPG) data ([0027-0028]), and identifies the Shows in the series ([0038-0039]) and for each Shows, automatically determines a start time for the Show and records the Show onto VS 105, when the Show is aired (page 2, [0027]; page 3, [0038-0040] and page 4, [0060-0062]); and determines whether the Show has been previously recorded based on the user’s criteria (page 3, [0043-0046]); if it is determined whether the Show has been previously recorded, automatically recording the Show and if it is determined that the Show has not been previously recorded, automatically refraining from recording the Show (page 3, [0052-0053]; page 4, [0060-0061] and page 5, [0068-0072]), note that Pro 101 monitors EPG Database for ongoing and future Shows to determine the Show to be recorded, using the user’s specified criteria in Criteria Database 104 and records either a single Show, series or mini-series, using the specified criteria for recording Shows.

Claim 13 is met as previously discussed with respect to claim 7.

Claim 14 is met as previously discussed with respect to claims 9 and 10.

Claim 15 is met as previously discussed with respect to claim 11.

As to claim 16, Wood further discloses “receiving a user input specifying that the first-run episodes of the television program during the period of time are to be

recorded...” met by Processor (Pro) 101 (figs. 1, 2, page 1, [0025-0026] and [0038-0039]), which is in communications Channel Guide, Criteria, Video, etc., Databases and receives via User Interface (UI) 108, a “user input” specifying that a Show, Series or Mini-Series (Shows) “first-run episodes of the television program” during the time are to be recorded (page [0040-0045]; page [0061 and page 5, [0068-0072]), note that the user specifies a criteria for recording a particular first-run Show; Pro 100 uses electronic program guide (EPG) data ([0027-0028]) and identifies each of the first-run Shows of the television program that is scheduled to be aired during the period of time ([0038-0039]); and for each first-run Shows, performs the acts of: determining the a first-run Show has been aired; determining whether the Show has not been aired (page 2, [0038-0040] and [0043-0046]); if it is determined whether the that the first-run Show has not been aired, automatically recording the first-run Show (fig. 9, page 3, [0051-0053]; page 4, [0060-0062 and page 5, [0068-0072); and if it is determined that the first-run Show has been previously aired, performs the acts of: determining whether the first-run Show is scheduled to be aired at a future time, and if the first-run Show is scheduled to be aired at a future time, automatically recording the first-run Show at the future time (fig. 9, page 3, [0051-0053]; page 4, [0060-0062 and page 5, [0068-0072), note that Pro 101 monitors EPG Database for ongoing and future Shows to determine the Show to be recorded, using the user’s specified criteria stored in Criteria Database 104 and records either a single Show, series or mini-series, using the specified criteria for recording Shows.

Claim 17 is met as previously discussed with respect to claim 11.

Claim 18 is met as previously discussed with respect to claim 7.

Claim 19 is met as previously discussed with respect to claims 9 and 10.

As to claim 20, Wood further discloses where if the programming change relates to a new time of airing one of the first Shows, which was originally determined to have already aired and was not scheduled to air at a future time, further performing the act of automatically recording the one of the first-run Shows at the new time (page 2, [0038-00400] and page 5, [0068-0072]).

As to claim 21, Wood further discloses “a recording system (figure 1) for recording a video data corresponding to fragmented program, the recording system comprising...” which is composed of the same structural elements that were discussed in the rejection of claim 1.

Claim 22 is met as previously discussed with respect to claim 7.

Claim 23 is met as previously discussed with respect to claim 7 and 8.

As to claim 25, Wood further disclose where the recording system includes a recording list preserved on VS 105 coupled to UI 108, where the recording list itemizes one or more Shows that correspond to the plurality of Shows to be recorded (page 3, [0045-0049]; page 4, [0060-0062] and page 5, [0068-0070]).

As to claim 26, the claimed “computer program product... comprising:” contains the same structural elements as rejected claim 1.

Claim 28 is met as previously discussed with respect to claim 10.

As to claim 29, Wood further discloses determining whether any of the Shows is a first-run Show, and sequentially recording only Shows that are first-run Show (page 4,

[0060-0062] and page [0068-0071]).

Claim 30 is met as previously discussed with respect to claim 11.

Claim 33 is met as previously discussed with respect to claim 1.

4. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Wood et al (2003/0044165)** in view of **Yeo (6,711,741)** and **Knee et al (6,014,184)** as applied to claim 1 above, and further in view of **Wugofski (6,507,951)**.

As to claim 31, Wood as modified by Yeo and Knee, fail to explicitly resolving the conflict including determining that the particular Show will be re-broadcast at a different time on a same or different channel.

However, note **Wugofski** reference figures 1-4, discloses a system for time-shifting events in a multi-channel convergence system and further teaches resolving the conflict, by determining that the particular TV program will be re-broadcast at a different time on a same or different channel (col. 3, lines 13-30, col. 4, lines 10-31, col. 5, lines 9-35 and col. 8, line 42-col. 9, line 8).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Wugofski into the system of Wood as modified Yeo and Knee to enable recording of conflicting programs, which are re-broadcast, on other time slot.

5. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Wood et al (2003/0044165)** in view of **Yeo (6,711,741)** and **Knee et al (6,014,184)** as applied to claim 1 above, and further in view of **Yi (6,094,427)**.

As to claim 32, Wood as modified by Yeo and Knee, fail to explicitly resolving the conflict including determining that the particular Show will be re-broadcast at a different time on a same or different channel.

However, note **Yi** reference figures 4 and 7-9, discloses a communications system between satellite beams and/or satellites where fragmented digital data, such as voice, image, video, text file or multimedia includes a plurality of corresponding fragments which are broadcast over a plurality of different networks (col.11, lines 59-67, col.12, lines 38-52 and col.13, line 24-col.14, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Yi into the system of Wood as modified Yeo and Knee to provide an efficient receiver, which retrieves the best streams or fragments from the different networks for faster processing.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-5, 9-23, 25, 26 and 28-33 have been considered but are moot in view of the new ground(s) of rejection. The amendment to all the independent claims necessitated the new ground(s) of rejection discussed above. This office action is non-final.

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaneko et al (6,505,347) discloses control information generating apparatus for broadcast system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



**Annan Q. Shang.**



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